Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for Individuals	)	CC Docket No. 98-67
with Hearing and Speech Disabilities:	)	
Clarification of Procedures for Emergency	)	
Calls at Telecommunications Relay	)	
Services Centers	)	

REPLY COMMENTS OF TELECOMMUNICATIONS FOR THE DEAF, INC.

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COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.

Telecommunications for the Deaf, Inc. ("TDI") hereby submits these Reply Comments in response to the Commission's Public Notice, DA 02-1826, ("*Notice*") in the above-referenced proceeding.[1]

INTRODUCTION AND SUMMARY

In the *Notice*, the Federal Communications Commission ("Commission") seeks public comment on its proposed clarification of the Commission's rules regarding procedures for routing emergency calls by telecommunications relay services ("TRS") centers.[2] Specifically, in the March 2000 *Improved TRS Order*, the Commission discussed routing emergency TRS calls

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1 *Pleading Cycle Established For Comment on Clarification of Procedures For Emergency Calls at Telecommunications Relay Services (TRS) Centers*, CC Docket No. 98-67, Public Notice DA 02-1826, (rel. July 29, 2002) ("*Notice*").

2 *Notice*, at 1.

to the most "appropriate" Public Answering Safety Point ("PSAP").[3] However, the Commission's minimum mandatory quality standards, as revised by the *Improved TRS Order*, provide for the routing of emergency TRS calls to the "nearest" PSAP.[4] TDI maintains that emergency TRS calls should be routed to the "most appropriate PSAP," rather than the geographically "nearest" PSAP. However, the Commission must define the term "appropriate PSAP" in a manner that implements the mandate of the Americans with Disabilities Act of 1990 ("ADA")[5] to provide TRS in a manner that is *functionally equivalent* to a voice call placed by an individual who does not have a hearing or speech disability. Further, the "most appropriate PSAP" should be defined to ensure that TRS is available to the maximum extent possible and in a manner that enables persons with hearing disabilities to take full advantage of new technologies as required by the ADA.[6]

DISCUSSION

A. AT&T's Proposal That TRS Centers Direct Callers To Hang Up And Dial 911 Is A Disincentive For The Adoption of New Technologies

In its Comments, AT&T asserts that "[b]ecause each PSAP is already required by the [ADA] to be TTY compatible," TRS relay centers should be permitted to "direct" a TRS

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[3] *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-56, 15 FCC CD 5140, at ¶ 100 (rel. March 6, 2000) ("*Improved TRS Order*").

[4] 47 C.F.R. § 64.604(a)(4); *Improved TRS Order*, at 71 ("Providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately provides the *nearest* Public Safety Answering Point (PSAP) with the caller's telephone number.") (emphasis added).

[5] Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69, *codified at* 47 U.S.C. § 225 (adding section 225 to the Communications Act of 1934).

[6] 47 U.S.C. § 225(b)(1).

emergency caller "to immediately hang up and dial 911 directly" in order to complete the emergency call using this deployed TTY capability.[7] AT&T's proposal should be rejected. AT&T's proposal, if adopted by the Commission, would violate the ADA's mandate that TRS provide telecommunications services, including emergency access services, that "are functionally equivalent to the extent possible" with standard voice services.[8] Further, AT&T's proposal would violate the ADA mandate that people with hearing or speech disabilities have access to evolving technologies.[9]

As set forth in TDI's Comments, in enacting Title IV of the ADA, Congress directed the Commission to ensure that persons with hearing and speech disabilities benefit from emerging technological advances.[10] As Congress stated:

> [T]his legislation is *not intended to discourage innovation* regarding telecommunications services to individuals with hearing and speech impairments. The hearing and speech-impaired communities should be allowed to benefit from advancing technology. As such, the provisions of the Section do not seek to

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[7] *In the Matter of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CC Docket No. 98-67, AT&T Comments, at 4 (Aug. 29, 2002) ("AT&T Comments"). A TTY (Text Telephone) "is a device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required on both ends of the conversation in order to communicate." www.ultra.com/info/TTYWhatis.html

[8] 47 U.S.C. § 225(a)(3); *Improved TRS Order*, at ¶ 4; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities: Clarification of Procedures for Emergency Calls at Telecommunications Relay Services Centers*, CC Docket No. 98-67, Comments of Telecommunications For the Deaf, Inc., at 4 (Aug. 29, 2002) ("TDI Comments").

[9] 47 U.S.C. § 225(d)(2); *Improved TRS Order*, at ¶ 91; TDI Comments, at 3-4; H.R. Rep. No. 101-485(II), 101st Cong., 2d Sess. 130 (1990).

[10] 47 U.S.C. § 225(d)(2).

> entrench current technology, but rather to allow for new, more efficient and more advanced technology.[11]

In short, Congress wisely intended that TRS would be an evolving service that would take advantage of new technologies as they developed.[12] The Commission has concluded that this provision requires the Commission to "evaluate the state of technology available to provide relay services, and determine what is possible" to ensure that "[a]s technology improves, relay services and its standard offerings . . . also improve."[13]

Contrary to the intent of Congress, AT&T's proposal, contained in its Comments, does not consider the potential for technical innovation and would hinder people with hearing or speech disabilities from being able to take full advantage of evolving technologies. Specifically, AT&T's proposal to direct callers to hang up and dial 911 directly in order to utilize deployed TTY technology fails to recognize that emerging technologies are giving consumers new options for making 911 calls that offer significant advantages over TTYs.

AT&T's proposal is predicated on the fact that the ADA requires that all PSAPs be TTY accessible. AT&T's proposal is flawed, however, because it fails to recognize that although all PSAPs are required to be TTY accessible, not all TRS callers use TTYs. For example, some speech-impaired users utilize a special TRS number to access specially trained operators who relay calls entirely by voice. Also, many persons with hearing and speech disabilities use newer

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11 *See* 47 U.S.C. § 225(d)(2); H.R. Rep. No. 101-485(II), 101st Cong., 2d Sess. 130 (1990) (emphasis added).

12 *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Notice of Proposed Rulemaking, FCC 98-90, at ¶¶ 8, 14 (rel. May 20, 1998) ("NPRM").

13 *Improved TRS Order*, at ¶ 91.

technologies such as screen-only TTY receivers that do not have a keyboard.[14] Other technologies are steadily replacing TTY's and rendering them obsolete. For example, Ultratec, Inc. ("Ultratec") has launched trials of its CapTel service in several states. Ultratec's CapTel service uses a special phone that automatically dials the CapTel service center, even if the caller dials the number of a hearing person.[15] In the CapTel service, the caller speaks using voice and reads text on an LCD screen that is generated using voice recognition software. Persons with hearing disabilities that are able to use these new technologies would in many cases be unable to effectively communicate with the PSAP if they were instructed by the TRS center to dial 911 directly.

In sum, AT&T's proposal is predicated on the limited option of continuing to use Baudot TTY devices to communicate with the PSAP. AT&T's proposal has the effect of entrenching existing technology. Accordingly, the Commission should reject AT&T's proposal because it creates a disincentive for the adoption of new technologies and is inconsistent with the ADA's intent to facilitate the adoption of new enabling technologies by speech and hearing disabled persons.

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[14] For example, Krown Manufacturing, Inc. of Fort Worth, Texas manufacturers a screen-only type receiver called the Pocket Speak and Read VCO®. The Pocket Speak product can be easily attached to mobile phones, pay phones, and cordless phones. The caller simply places the device onto the earpiece of any phone and calls the state relay service to use it. The caller then talks into the mouthpiece and reads responses on the screen. The device does not have a keyboard as required for TTY communications with the PSAPs. www.krowntty.com/tty/products/k_pvco2.html

[15] As the caller dials, the CapTel service automatically connects to a captioning service where a specially trained operator transcribes the other party's speech into written text. The text appears in an display window built into the CapTel phone. The captions appear almost simultaneously with the spoken word. www.ultratec.com/info/CapTel.html

In fact, in order to ensure functional equivalence between a TRS emergency call and a standard voice 911 call, the Commission should require TRS centers to use a database to identify the most appropriate PSAP for each emergency TRS call taking into considering factors including jurisdictional issues as well as the geographic proximity of the PSAP.

B. Sprint's Proposal To Equate the "Most Appropriate PSAP" With the Nearest PSAP Does Not Meet The ADA Mandate Of Functional Equivalence With Voice Services

As noted by Sprint Corporation, ("Sprint"), "the Commission does not explain, either in the [*Notice*] or in the text of its *Improved TRS Decision*, what it considers to be the 'most appropriate PSAP.'"[16] Accordingly, the Comments have focused upon providing substance to the term "most appropriate PSAP."

Sprint suggests that "if the Commission defines the 'most appropriate PSAP' to be the 'nearest PSAP,' there is no need to change the wording of Section 64.604(a)(4)."[17] In fact, Sprint maintains that the Commission should define the 'most appropriate PSAP" to mean the "nearest PSAP."[18]

TDI urges the Commission to reject Sprint's proposal. As set forth in TDI's Comments, the geographically "nearest" PSAP may not be the optimal PSAP for handling a particular TRS emergency call or a traditional voice emergency call placed to 911.[19] The optimal PSAP for a particular emergency call is a function of many factors including the location and jurisdiction of

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16 *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Comments of Sprint Corporation, at 2 (Aug. 29, 2002) ("Sprint Comments").

17 Sprint Comments, at 2.

18 Sprint Comments, at 2.

19 TDI Comments, at 5-6.

responsive emergency services facilities such as fire departments, police stations and hospitals.[20] For these reasons traditional voice calls do not always route to the geographically nearest PSAP and neither should an emergency TRS call.[21]

In most cases, the optimal PSAP for an emergency TRS call will be the same PSAP to which a direct standard voice call from a specific NPA-NXX-XXXX (at the same location) would be delivered.[22] Accordingly, the TRS centers must ensure that all TRS callers are able to reach the PSAP normally assigned to their telephone number under the selective routing system for voice E911 calls.[23]

In fact, any rule which requires routing to the geographically nearest PSAP in all instances *violates the ADA* by failing to provide an emergency service that is functionally equivalent to voice emergency services and fails the ADA mandate to provide TRS in the "most

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20 *Id.*

21 *Id.*

22 TDI Comments, at 6.

23 E911 is an electronic system that uses selective routing to electronically route 911 emergency calls to the proper PSAP based upon the Emergency Services Number ("ESN") that has been assigned to the caller's address. In the Bell South system, the E911 tandem finds the associated ESN for the calling telephone number via a translation table. Bell South, CLEC Users Guide to E911 for Facility Based Providers, Customer Guide CG-CUGE-0001, Issue 1a, at §§ 1.1, 1.7 (June 19, 2002).

efficient manner." Accordingly, Sprint's proposal should be rejected because it violates the ADA's mandate for functional equivalence.

Respectfully submitted,

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